

04-CV-05539-DECL

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROLANDO HERNANDEZ,

Plaintiff,

v.

CITY OF VANCOUVER and MARK
TANNINEN,

Defendants.

No. 04-cv-05539 RBL

ORDER DENYING MOTION FOR
PARTIAL SUMMARY JUDGMENT
[Dkt. # 184]

There are factual disputes that make it impossible for the Court to entertain the Defendant's motion. Taking the evidence in light most favorable to the Plaintiff, a prima facie case for conspiracy under 42 U.S. §1985(3) can be proven. The elements of the offense are: 1) a conspiracy; 2) for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privilege and immunities under the laws; and 3) an act in furtherance of this conspiracy; 4) whereby a person is either injured in his person or property or deprived of any right or privilege of a citizen of the United States. *Sever v. Alaska Pulp Corp.*, 978 F.2d 1529, 1536 (9th Cir. 1992). Altering one's testimony could indirectly deny plaintiff's right to equal protection of the laws.

Defendants' Motion for Partial Summary Judgment [Dkt. #184] is DENIED.

IT IS SO ORDERED.

Dated this 14th day of September, 2011.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE